

AMENDED IN ASSEMBLY AUGUST 20, 2012

AMENDED IN ASSEMBLY JUNE 27, 2012

AMENDED IN ASSEMBLY MAY 30, 2012

AMENDED IN ASSEMBLY MARCH 1, 2012

AMENDED IN ASSEMBLY JUNE 20, 2011

AMENDED IN SENATE MAY 5, 2011

AMENDED IN SENATE APRIL 14, 2011

SENATE BILL

No. 542

Introduced by Senator Price

February 17, 2011

An act to amend Sections 2786, 5006, 5006.1, and 5007 of, ~~and to amend, repeal, and add Section 5006 of,~~ the Penal Code, relating to the Inmate Welfare Fund, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 542, as amended, Price. Inmate Welfare Fund.

Existing law establishes the Inmate Welfare Fund of the Department of Corrections and Rehabilitation in the State Treasury. Existing law requires that the money in the fund constitute a trust to be used for the benefit, education, and welfare of inmates of prisons and institutions under the jurisdiction of the department, as specified. Existing law requires the Department of Finance to conduct a biennial audit of the fund and, at the end of each intervening fiscal year, to prepare a statement of operations.

This bill, ~~until January 1, 2018,~~ would authorize the use of moneys in the Inmate Welfare Fund for ~~reentry programs, as described~~ *education*

programs, hobby and recreational programs, as specified, inmate family visiting services, leisure-time activities, and assistance with obtaining photo identification from the Department of Motor Vehicles, and would specify the intent of the Legislature that the moneys not be used for programs that the department is required to provide. The bill, until January 1, 2018, would require the warden of each institution and specified other stakeholders to meet at least biannually to determine how the money is used in that institution.

Under existing law, funds from the Inmate Welfare Fund are prohibited from being used for specified expenses, including overtime for staff, television repair, and athletic or recreation supplies. Under existing law, moneys in the fund, as they relate to state prison camps, are continuously appropriated.

This bill would authorize the use of fund moneys for ~~athletic and recreation supplies, and reentry programs~~ *educational programs, inmate family visiting services, leisure-time activities, and assistance with obtaining photo identification from the Department of Motor Vehicles, thereby making an appropriation.*

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2786 of the Penal Code is amended to
2 read:

3 2786. All money received pursuant to this article in the Inmate
4 Welfare Fund of the Department of Corrections and Rehabilitation
5 is hereby appropriated for educational, recreational, and ~~reentry~~
6 ~~programs~~ *other purposes described in Section 5006* at the various
7 prison camps established under this article and shall be expended
8 by the secretary upon warrants drawn upon the State Treasury by
9 the Controller after approval of the claims by the California Victim
10 Compensation and Government Claims Board. It is the intent of
11 the Legislature that moneys in this fund only be expended on
12 services other than those that the department is required to provide
13 to inmates.

14 SEC. 2. Section 5006 of the Penal Code is amended to read:

15 5006. (a) (1) All moneys now held for the benefit of inmates
16 currently housed in Department of Corrections and Rehabilitation
17 facilities including those known as the Inmate Canteen Fund of

1 the California Institution for Men; the Inmate Welfare Fund of the
2 California Institution for Women; the Trust Contingent Fund of
3 the California State Prison at Folsom; the S.P.L. Commissary,
4 Canteen Account, Hobby Association, Camp Account, Library
5 Fund, News Agency of the California State Prison at San Quentin,
6 the Prisoners' Fund; and the Prisoners' Employment Fund, shall
7 be deposited in the Inmate Welfare Fund of the Department of
8 Corrections and Rehabilitation, in the State Treasury, which is
9 hereby created. The money in the fund shall be used solely for the
10 benefit and welfare of inmates of prisons and institutions under
11 the jurisdiction of the Department of Corrections and
12 Rehabilitation, including the following:

13 (A) The establishment, maintenance, employment of personnel
14 for, and purchase of items for sale to inmates at canteens
15 maintained at the state institutions.

16 (B) The establishment, maintenance, employment of personnel,
17 and necessary expenses in connection with the operation of the
18 hobby shops at institutions under the jurisdiction of the department.

19 (C) Educational programs, hobby and recreational programs,
20 ~~reentry programs, and operational expenses of the Inmate Welfare~~
21 ~~Fund~~ *which may include physical education activities and hobby*
22 *craft classes, inmate family visiting services, leisure-time activities,*
23 *and assistance with obtaining photo identification from the*
24 *Department of Motor Vehicles.*

25 ~~(i) Recreational programs may include physical education~~
26 ~~activities and hobby craft classes.~~

27 ~~(ii) Reentry program services may include assistance obtaining~~
28 ~~or reinstating benefits, obtaining identification cards, linking~~
29 ~~inmates to services related to obtaining housing upon release,~~
30 ~~providing education and job training, coordinating contact with~~
31 ~~family members, and providing information about how to connect~~
32 ~~to social services, legal services, and connecting inmates with~~
33 ~~outside community health care providers upon their release from~~
34 ~~prison.~~

35 (2) The warden of each institution, in collaboration with at least
36 two representatives from local or state advocacy groups for inmates
37 and two members of either the men's or women's advisory council
38 or similar group within each institution, shall meet at least
39 biannually to determine how the money in the fund shall be used
40 to benefit the inmates of the respective institution. It is the intent

1 of the Legislature that the funds only be expended on services
2 other than those that the department is required to provide to
3 inmates.

4 (b) There shall be deposited in the Inmate Welfare Fund all net
5 proceeds from the operation of canteens and hobby shops and any
6 moneys that may be assigned to the state prison by prisoners for
7 deposit in the fund. The moneys in the fund shall constitute a trust
8 held by the Secretary of the Department of Corrections and
9 Rehabilitation for the benefit and welfare, as herein defined, of all
10 of the inmates of institutions and prisons under the jurisdiction of
11 the department.

12 (c) The Department of Finance shall conduct a biennial audit
13 of the Inmate Welfare Fund to include an audit report which shall
14 summarize expenditures from the fund by major categories. At the
15 end of each intervening fiscal year, a statement of operations shall
16 be prepared that shall contain the same information as would be
17 provided in the biennial audit. At least one copy of any statement
18 of operations or audit report shall be placed in each library
19 maintained by the Department of Corrections and Rehabilitation
20 and shall be available there to any inmate.

21 ~~(d) This section shall remain in effect only until January 1, 2018,~~
22 ~~and as of that date is repealed, unless a later enacted statute, that~~
23 ~~is enacted before January 1, 2018, deletes or extends that date.~~

24 ~~SEC. 3. Section 5006 is added to the Penal Code, to read:~~

25 ~~5006. (a) All moneys now held for the benefit of prisoners~~
26 ~~including those known as the Inmate Canteen Fund of the~~
27 ~~California Institution for Men; the Inmate Welfare Fund of the~~
28 ~~California Institution for Women; the Trust Contingent Fund of~~
29 ~~the California State Prison at Folsom; the S.P.L. Commissary,~~
30 ~~Canteen Account, Hobby Association, Camp Account, Library~~
31 ~~Fund, News Agency of the California State Prison at San Quentin,~~
32 ~~the Prisoners' Fund; and the Prisoners' Employment Fund, shall~~
33 ~~be deposited in the Inmate Welfare Fund of the Department of~~
34 ~~Corrections and Rehabilitation, in the State Treasury, which is~~
35 ~~hereby created. The money in the fund shall be used for the benefit,~~
36 ~~education, and welfare of inmates of prisons and institutions under~~
37 ~~the jurisdiction of the Department of Corrections and~~
38 ~~Rehabilitation, including the following:~~

1 ~~(1) The establishment, maintenance, employment of personnel~~
2 ~~for, and purchase of items for sale to inmates at canteens~~
3 ~~maintained at the state institutions.~~

4 ~~(2) The establishment, maintenance, employment of personnel~~
5 ~~and necessary expenses in connection with the operation of the~~
6 ~~hobby shops at institutions under the jurisdiction of the Department~~
7 ~~of Corrections and Rehabilitation.~~

8 ~~(b) There shall be deposited in the Inmate Welfare Fund all net~~
9 ~~proceeds from the operation of canteens and hobby shops and any~~
10 ~~moneys which may be assigned to the state prison by prisoners for~~
11 ~~deposit in the fund. The moneys in the fund shall constitute a trust~~
12 ~~held by the Secretary of the Department of Corrections and~~
13 ~~Rehabilitation for the benefit and welfare as herein defined, of all~~
14 ~~of the inmates of institutions and prisons under the jurisdiction of~~
15 ~~the Department of Corrections and Rehabilitation.~~

16 ~~(c) The Department of Finance shall conduct a biennial audit~~
17 ~~of the Inmate Welfare Fund to include an audit report that shall~~
18 ~~summarize expenditures from the fund by major categories. At the~~
19 ~~end of each intervening fiscal year, a statement of operations shall~~
20 ~~be prepared, which shall contain the same information as would~~
21 ~~be provided in the biennial audit. At least one copy of any~~
22 ~~statement of operations or audit report shall be placed in each~~
23 ~~library maintained by the Department of Corrections and~~
24 ~~Rehabilitation and shall be available there to any inmate.~~

25 ~~(d) This section shall become operative on January 1, 2018.~~

26 ~~SEC. 4.~~

27 *SEC. 3.* Section 5006.1 of the Penal Code is amended to read:

28 5006.1. (a) Notwithstanding any provision in Section 5006,
29 money in the Inmate Welfare Fund shall not be expended to pay
30 charges for any or all of the following purposes:

31 (1) Overtime for staff coverage of special events.

32 (2) Television repair.

33 (3) Original complement of television sets and replacement of
34 television equipment.

35 (b) The department shall pay these charges out of any money
36 appropriated for these purposes.

37 ~~SEC. 5.~~

38 *SEC. 4.* Section 5007 of the Penal Code is amended to read:

39 5007. The Secretary of the Department of Corrections and
40 Rehabilitation may invest money in the Inmate Welfare Fund that

1 in his or her opinion is not necessary for immediate use, with the
2 approval of the Department of Finance, and interest earned and
3 other increment derived from investments made pursuant to this
4 section shall be paid into the Inmate Welfare Fund of the
5 Department of Corrections and Rehabilitation.

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